

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 10 FT TO 6 FT FOR AN EXISTING SHED; (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR AN EXISTING SHED; AND (3) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 2.5 FT FOR AN EXISTING ABOVE GROUND POOL; (SHARI ANN BRINKLEY, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

**Agenda Date** 03-29-04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

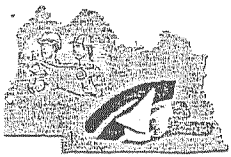
1. **APPROVE** THE REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 10 FT TO 6 FT FOR AN EXISTING SHED; (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR AN EXISTING SHED; AND (3) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 2.5 FT FOR AN EXISTING ABOVE GROUND POOL; (SHARI ANN BRINKLEY, APPLICANT); OR
2. **DENY** THE REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 10 FT TO 6 FT FOR AN EXISTING SHED; (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR AN EXISTING SHED; AND (3) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 2.5 FT FOR AN EXISTING ABOVE GROUND POOL; (SHARI ANN BRINKLEY, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District # 1, Maloy)

(Earnest McDonald, Principal Coordinator)

<b>GENERAL INFORMATION</b>	SHARI ANN BRINKLEY, APPLICANT 2433 S. BERMUDA AVENUE APOPKA, FL 32703	R-1A (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT CONSTRUCTED AN ACCESSORY SHED AND AN ABOVE GROUND POOL WITHOUT BUILDING PERMITS, FOR WHICH A NOTICE OF CODE VIOLATION WAS ISSUED BY THE BUILDING DIVISION ON FEBRUARY 24, 2004.</li> <li>• THE EXISTING SHED ENCROACHES INTO BOTH THE REAR AND SIDE YARDS, WHILE THE ABOVE GROUND POOL ENCROACHES INTO THE SIDE YARD.</li> <li>• THE APPLICANT IS REQUESTING THE AFOREMENTIONED VARIANCES TO BRING THE</li> </ul>	

	<p>STRUCTURES INTO COMPLIANCE.</p> <ul style="list-style-type: none"><li>• THERE IS NO RECORD OF VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li></ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• WITHIN THE R-1A DISTRICT, ACCESSORY STRUCTURES LESS THAN 200 SF IN SIZE MUST MEET A 10 FT REAR YARD SETBACK AND A 7.5 FT SIDE YARD SETBACK. ALSO, THE WATER'S EDGE OF A POOL MUST MAINTAIN A 7.5 FT SIDE YARD SETBACK. THE APPLICANT HAS FAILED TO DEMONSTRATE ANY SPECIAL CIRCUMSTANCES THAT WOULD HAVE PREVENTED THE CONSTRUCTION OF EITHER THE ACCESSORY SHED OR THE ABOVE GROUND POOL FROM HAVING BEEN BUILT TO COMPLY WITH THE LAND DEVELOPMENT CODE.</li><li>• FOR THIS REASON, STAFF BELIEVES THE GRANT OF THE REQUESTED VARIANCES WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE R-1A DISTRICT BY ALLOWING ENCROACHMENT INTO THE REAR AND SIDE YARDS WITHOUT THE DEMONSTRATION OF A HARDSHIP.</li><li>• THE REQUESTED VARIANCES WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY. REASONABLE USE OF THE PROPERTY WOULD BE RETAINED WITHOUT THE GRANT OF THE REQUESTED VARIANCE AS PREVIOUSLY STATED.</li><li>• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW STRUCTURES THAT ARE INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUESTED VARIANCES, UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none"><li>○ ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING ACCESSORY SHED AND EXISTING ABOVE GROUND POOL AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>○ ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul></li></ul>



**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE: (10)

- ☐ **VARIANCE** rearward variance from 10 feet to 6 feet for an existing shed
- ☐ **SPECIAL EXCEPTION**
- ☐ **MOBILE HOME SPECIAL EXCEPTION**
- ☐ **EXISTING** ☐ **PROPOSED** ☐ **REPLACEMENT**
- MOBILE HOME IS FOR \_\_\_\_\_
- YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_
- ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_
- PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN \_\_\_\_\_
- MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO
- ☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Shari Ann Brinkley	
ADDRESS	2933 Bermuda Ave So	
	Apopka FL 32703	
PHONE 1	407-864-8246	
PHONE 2	407-884-2258 x 267	
E-MAIL		

PROJECT NAME: Bermuda Ave

SITE ADDRESS: 2933 Bermuda Ave South

CURRENT USE OF PROPERTY: Single family

LEGAL DESCRIPTION: Leg Lot 254 Belknap Hills Unit 3 PB  
24 PGS 37 & 38

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 18-21-29-525-0000-2540

UTILITIES: ☒ WATER ☐ WELL ☒ SEWER ☐ SEPTIC TANK ☐ OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS File # 04-12102

structures without proper building permits

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 04/26/07 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Shari Brinkley  
SIGNATURE OF OWNER OR AGENT\*

3-1-04  
DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

I:\pl\projects\boa\master forms & lists\boa applications\boa application.doc

ADDITIONAL VARIANCES

VARIANCE 2:

Side yard variance from 7.5 feet to 5 feet for an existing shed

VARIANCE 3:

side yard variance from 7.5 feet to 25 feet for an existing above ground pool

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

PEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

PROCESSING:

FEE: 250 COMMISSION DISTRICT 1 FLU/ZONING LDR/R1A

LOCATION FURTHER DESCRIBED AS ON THE S. SIDE OF S. BERMUDA AVE APPROX. 700' E OF THE INTERSECTION WITH ST. CROIX AVE.

PLANNER Steiger

DATE 3/1/04

SUFFICIENCY COMMENTS

# PLAT OF SURVEY

BEL-AIRE HOMES INC.

DESCRIPTION LOT 254, BEL AIRE HILLS UNIT THREE

RECORDED IN PLAT BOOK 24 PAGE(S) 37 & 38 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

BERMUDA AVENUE SOUTH  
(# 2933)

S. 89° 51' 51" E. 76.00'

ST. CROIX AVENUE

127.46'

N. 00° 08' 09" E.

128.30'

N. 00° 08' 09" E.

N. 89° 13' 42" W.

76.00'

DATE OF:  
BOUNDARY 11-18-81  
FOUND 12-7-81  
FINAL 1-14-82

HENRICH, TROTTER,  
CARTER, & AYERS, INC.  
LAND SURVEYORS

636 N. WYMORE ROAD  
WINTER PARK, FLORIDA 32789  
(305) 647-7346

This building does not lie within  
any flood prone area  
CERTIFIED CORRECT:

*M. E. Rogers*  
REG. LAND SURVEYOR NO. 2003

THIS SURVEY MEETS THE MINIMUM TECHNICAL  
STANDARDS SET FORTH BY THE FLORIDA BOARD OF  
LAND SURVEYORS, PURSUANT TO SECTION 472.027  
FLORIDA STATUTES.

SCALE  
1" = 20'

253

255

Round  
22'  
Pool

Deck  
19'6"

Shed  
14' x 14'

1 STORY C.B. RES.

2' x 0.63' C.B. COLUMN

CONC. WALK

CONC. DRIVE

CONC. PORCH

CONC. STOOD

CONC. PATIO

5' UTIL. ESMT.

5' UTIL. ESMT.


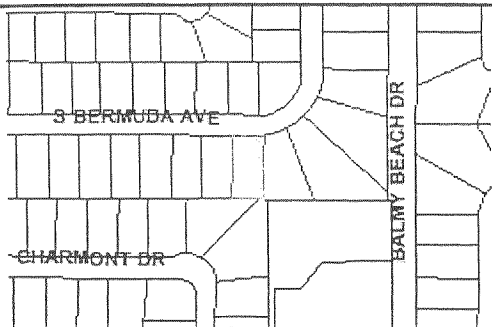
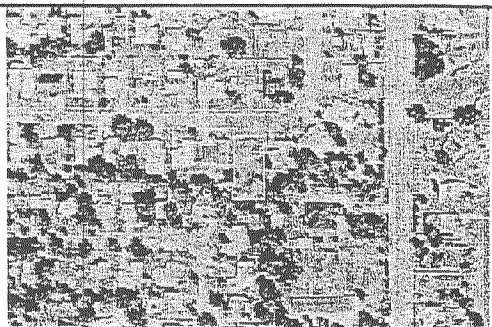
7.5' UTIL. ESMT.

Set 1/2"

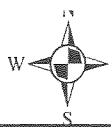
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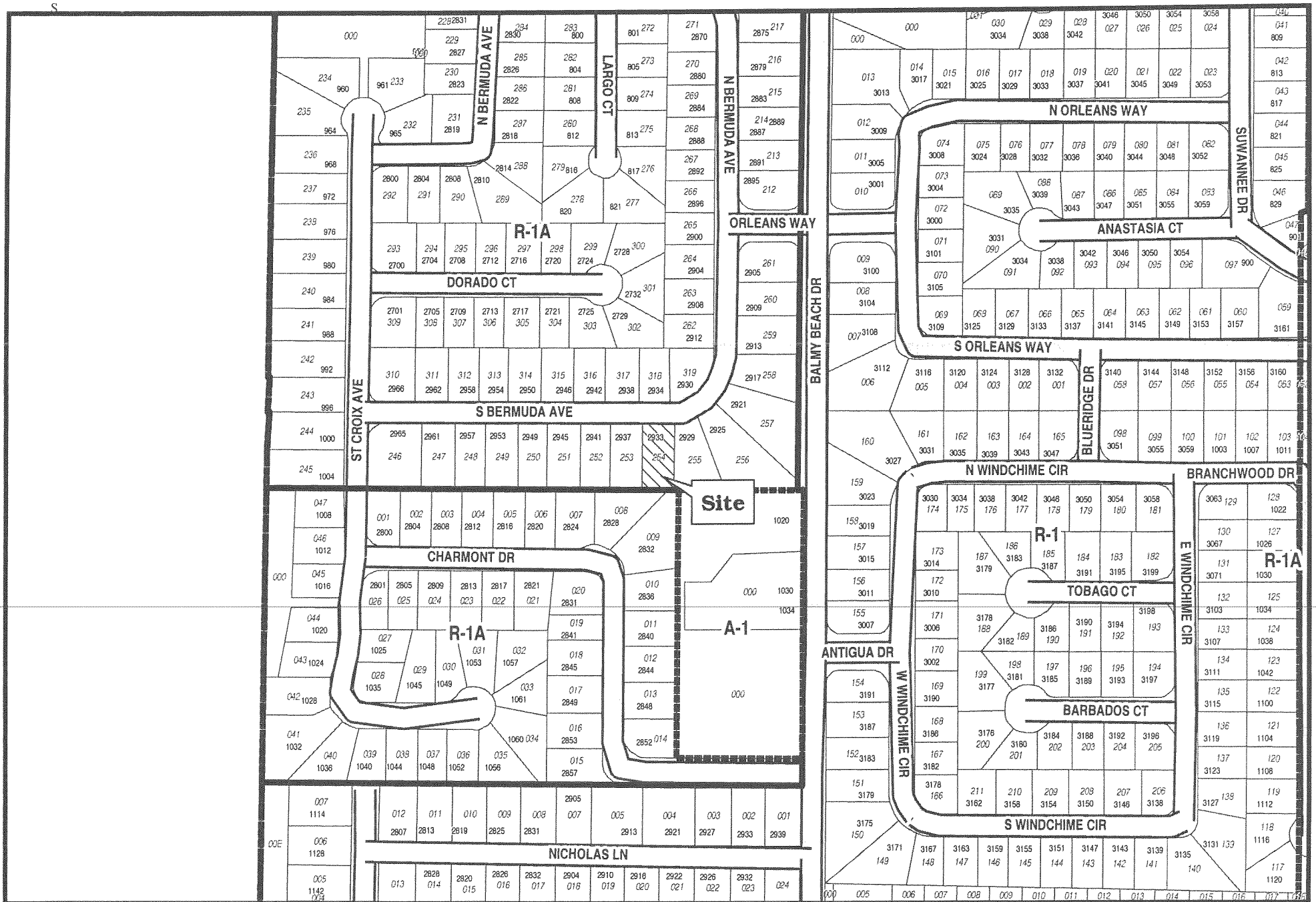
Set 1/2"

<b>PARCEL DETAIL</b>   <b>Seminole County</b> <b>Property Appraiser Services</b> 1101 E. First St. Sanford FL 32771 407-665-7506																																									
<b>GENERAL</b>  Parcel Id: 18-21-29-525-0000-2540      Tax District: 01-TX DIST 1 - COUNTY  Owner: BRINKLEY SHARI ANN      Exemptions: 00-HOMESTEAD  Address: 2933 BERMUDA AVE S City,State,ZipCode: APOPKA FL 32703 Property Address: 2933 BERMUDA AVE S APOPKA 32703 Subdivision Name: BEL AIRE HILLS UNIT 3 Dor: 01-SINGLE FAMILY		<b>2004 WORKING VALUE SUMMARY</b>  Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$81,141 Depreciated EXFT Value: \$1,871 Land Value (Market): \$18,000 Land Value Ag: \$0 Just/Market Value: \$101,012 Assessed Value (SOH): \$101,012 Exempt Value: \$25,000 Taxable Value: \$76,012																																							
<b>SALES</b>  <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>02/2003</td> <td>04763</td> <td>0202</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1997</td> <td>03259</td> <td>1378</td> <td>\$15,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1990</td> <td>02216</td> <td>1847</td> <td>\$75,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1982</td> <td>01381</td> <td>0102</td> <td>\$56,100</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	02/2003	04763	0202	\$100	Improved	WARRANTY DEED	05/1997	03259	1378	\$15,000	Improved	WARRANTY DEED	08/1990	02216	1847	\$75,000	Improved	WARRANTY DEED	02/1982	01381	0102	\$56,100	Vacant	<b>2003 VALUE SUMMARY</b>  Tax Value(without SOH): \$1,637 2003 Tax Bill Amount: \$1,637 Savings Due To SOH: \$0 2003 Taxable Value: \$95,512 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS									
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																																									





Shari Ann Brinkley  
2933 Bermuda Ave.



0 150 300 600 Feet

# NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 2933 S. BERMUDA AVE APTKA  
(Belair Hills Sub)

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF FLORIDA Building Code CHAPTER/ARTICLE CH 1 SECTION 303.2.

DESCRIPTION OF VIOLATION: Shed Installed in BACK YARD  
AND wood DECK constructed in BACK YARD  
without PERMITS Complaint WAS FOR AN ADDITION w/o PERMITS.

CORRECTIVE ACTION: OBTAIN (AND) proper PERMITS AND  
Schedule All Required Inspections.

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 3-9-04. FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE POWER TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

☐ IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.

IF YOU DESIRE FURTHER INFORMATION CONTACT:

Tom Helle  
407-665-7338

PLANNING AND DEVELOPMENT DEPARTMENT  
SEMINOLE COUNTY SERVICES BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA 32771  
PHONE: ~~387~~-1130 EXTENSION 7050

LATE 2/24/04  
FILE NO. 04-12102

JASON RICKER 407-665-7472  
INSPECTOR



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On March 29, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 254 BELAIRE HILLS UNIT 3 PB 24 PGS 37 & 38

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** SHARI ANN BRINKLEY  
2433 S. BERMUDA AVENUE  
APOPKA, FL 32703

**Project Name:** SOUTH BERMUDA AVENUE (2433)

**Requested Development Approval:**

- (1) REAR YARD SETBACK VARIANCE FROM 10 FT TO 6 FT FOR AN EXISTING SHED;
- (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR AN EXISTING SHED; AND
- (3) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 2.5 FT FOR AN EXISTING ABOVE GROUND POOL

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald,  
Principal Coordinator  
1101 East First Street  
Sanford, Florida 32771

### Order

#### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

a) The variance granted will apply only to the existing shed and above ground pool as shown on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: